



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

# HAS CONGRESS ABDICATED ?

BY JOSEPH PULITZER.

---

## I.

ON April 18, 1898, Congress, by a vote of 42 to 35 in the Senate and of 311 to 6 in the House, declared:

"That the people of the island of Cuba are and of right ought to be free and independent."

And it affirmed:

"That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction or control over said island, except for the pacification thereof, and asserts its determination when that is completed to leave the government and control of the island to its people."

The evacuation of Cuba by the Spaniards was finished nearly a year ago. The "pacification" of the island is complete. Yet what has been done to carry out the solemn pledge of Congress to "leave the government and control of the island to its people?" Who expects ever to see a free and independent Cuba, or doubts the determination of Mr. McKinley that Cuba, like the Philippines, shall forever remain American territory?

On the 14th of February, 1899, Senator Bacon offered a joint resolution declaring the intention of Congress in ratifying the Spanish treaty. It affirmed:

"1. That the Government and people of the United States have not waged the recent war with Spain for conquest and the acquisition of foreign territory. . . .

"2. That in demanding and receiving the concession of the Philippine Islands it is not the purpose of the Government of the United States to secure and maintain dominion over the same as a part of the territory of the United States, or to incorporate the inhabitants thereof as citizens of the United States, or to hold said inhabitants as vassals or subjects of this Government.

"3. That . . . in recognition and in obedience to the vital principle announced in the great Declaration that governments receive their just powers from the consent of the governed, the Government of the United States recognizes that the people of the Philippines are and of right ought to be free and independent. . . .

"4. That the United States hereby disclaim any disposition or intention to exercise sovereignty, jurisdiction or control over said islands, and assert their determination, when an independent government shall have been duly erected thereon entitled to recognition as such, to transfer to said government, upon terms which shall be reasonable and just, all rights secured under the cession by Spain, and to thereupon leave the government and control of the islands to their people."

This resolution received a tie vote of 29 to 29, and was rejected only by the casting vote of the Vice-President.

The Senate afterward adopted the McEnery resolution, in redemption of a pledge made by the Republican leaders to secure the ratification of the treaty, and without which pledge it could not have been ratified. This resolution declared:

*"That by the ratification of the pending treaty of peace with Spain it is not intended to incorporate the inhabitants of said islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States. But it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the inhabitants of said islands, to prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands."*

What effect has this purpose of Congress, explicitly declared even in the weaker resolution adopted, had upon the policy of the President? Is it not a serious matter when a deliberate declaration of Congress is not regarded seriously by anybody—by the Executive least of all?

If the will of Congress is treated with universal indifference or contempt, what becomes of that respect for law which is essential in popular government?

## II.

In that wise system of checks and balances embodied in the Constitution of the United States—an instrument which, although regarded in some quarters as antiquated, if not obsolete, is still the chart of our liberties, the foundation and framework of our Government—the vital powers of the Government were committed to Congress.

Congress was to levy and collect taxes, to borrow money on the credit of the United States, to coin money and regulate the value thereof, *to declare war*, raise and support armies, provide and maintain a navy, to admit new States to the Union and to *"dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."*

These are sovereign powers, essential to the very existence of the Government. Without them the Union could not endure.

In the distribution of powers and functions by the Constitution the President was made the Chief Executive. He was to execute the will of the people as declared through their representatives in Congress. He was authorized to make treaties and appointments to office only "by and with the advice and consent of the Senate."

Every article of the Constitution contains proof of the purpose of its framers strictly to limit the authority and influence of the President. They designed to found a real government of, by and for the people, and to get as far as possible from the one-man power—the imperialistic idea—against which they had successfully rebelled.

A wide departure from these principles and from the early practice of our Government has gradually been made, but it was never so complete nor so startling as under the present Administration.

We are at war in the Philippines. Our troops engaged there are or soon will be 70,000 strong—an army larger than this nation has ever before actively employed against a foreign foe. They are supported by a fleet of forty-five war vessels. Yet war against the Philippines was never declared nor directly sanctioned by Congress. Congress may have had this contingency in mind when it authorized the increase of the army, but there is absolutely not one word of law nor a line of resolution to show that this increase was not voted as a precaution against possible European complications. In a matter so momentous as war the Constitution is to be strictly interpreted. War is too weighty an affair to hang upon an inference.

There is not a constitutional monarchy in Europe in which the sovereign would dare venture upon such a war as President McKinley has undertaken, without the express consent and sanction of the parliamentary body.

The Philippine conquest is in truth and in fact Mr. McKinley's personal war, just as the Empress Eugénie, who forced the conflict with Germany in 1870, was credited with the saying, "This is my war." To affirm that such a tremendous military and naval movement is merely a President's posse for the "suppression of an insurrection" is to insult the intelligence of the people.

In addition to this the President, through one of his generals, has made a treaty or compact with the Sultan of Sulu, by which the United States have agreed to continue this potentate as the satrap of his dominions, to permit the existence of slavery and polygamy as "recognized institutions" of the islands, a "part of their religion," and to pay him and his chiefs and aids a monthly stipend of \$510 for recognizing in turn our "sovereignty" in the Sulu ports. Could the Emperor William—could the Czar of Russia—perform an act of more absolute imperialism than this in settling the status of remote savage islands over which they might claim to have acquired jurisdiction?

But this is not all. We are exercising a protectorate over Cuba. We have secured Porto Rico by cession from Spain and are governing the island by military power. We have occupied the Island of Guam. We have annexed Hawaii.

And yet Congress adjourned in March without adopting any measure or giving any direction whatever for the government or control of one of these islands. It left them and the Philippines much more completely under the control of the President than ever the conquered provinces of Rome were under the rule of Cæsar. And Congress did this at the express wish of the President, conveyed through his mouthpiece in the Senate, that he be given a "free hand" in his "colonial" policy.

Was not this an abdication of the constitutional power of Congress over "the territories and other property of the United States?" Was it not an unprecedented departure from the principles and traditions of the Republic? By giving the President a "free hand" for nine months in a war of conquest in the Philippines, and in military administration in our other possessions that we really possess, has not Congress rendered possible—nay, invited—results that are likely to prove irrevocable, and yet that were never approved by the people or their representatives, and that are as repugnant to the best moral sense of the nation as they are certain to be detrimental to its highest welfare?

In failing to exercise its prerogative betimes, Congress has enabled the President and his associates to commit the Government to a policy which the Senate expressly disavowed in the McEnery resolution, and from which there is reason to believe the House would have emphatically dissented had a free expression of its views been permitted.

This enormous "expansion" of the Executive power—this usurpation of the authority of Congress, to give the action its right name—has been promoted by two potent influences, not foreseen, or at least not provided against, by the framers of the Constitution.

### III.

The first is party spirit. The President has become the head of a party. He is a party chief as well as the Chief Executive of the Government. No prerogative conferred upon him by the Constitution is so potent as this. It arrays behind him, if he be a shrewd politician—as Mr. McKinley is—the forces of party organization, party discipline, party loyalty and party rewards. We saw in the recent elections how "loyalty to the flag" was made synonymous with loyalty to the President. No man in Congress, no ambitious politician anywhere, can oppose the President's policy without "going against his party." And to go against the party, whenever the President chooses to enter upon a war of "criminal aggression," is, in the view of the party organs and orators, to commit treason.

What all this means in ostracism and abuse the very few Republican Senators and Representatives who have had the courage to oppose the President's progressive militarism have learned to their cost. The force of party spirit, when invoked in support of the President, is seen in the failure of even so strong and courageous a leader as Thomas B. Reed to avow his convictions in an attempt to stem the tide of imperialism. By far the ablest and most courageous Republican in the House, a man of far more intellectual force than the President, with the enormous power of the Speaker in his hands, resigned his seat and quit public life largely because he could neither support nor successfully stand against the policy to which the President had, through the supineness of Congress, unalterably committed the party.

To continue and enforce the illustration: Mr. Reed's succes-

sor, Speaker Henderson, who has delivered one of the most graphic and powerful philippics against war ever uttered, and who was originally opposed to the forcible annexation of the Philippines, has been constrained by his ambition and by the forces dominating his party through the Administration to smother his convictions and to give his support to a war of "criminal aggression."

#### IV.

The other and allied force which has gradually made the President the master of Congress is the power of patronage. This was unknown to the earlier Presidents, or at least was not employed by them. Such an attempt as Mr. McKinley has successfully made to sap the independence and to influence the course of Senators and Representatives by honorary appointments and profitable patronage would have been vigorously resented in the earlier Congresses and have aroused the indignation of the people.

Examples of this misuse of the Executive power were Mr. McKinley's appointment of members of Congress on the Hawaiian Commission; his selection of two Senators, both members of the Committee on Foreign Relations, as commissioners to make a treaty with Spain, upon which they were to sit in judgment in the Senate; his tender of the English Ambassadorship to Senator Hoar, in the hope of silencing that conscientious statesman's opposition to the Philippine scheme; the commissioning of Representatives as Generals in the Army, in direct contravention of the Constitution, and the bestowal of offices and patronage upon Democratic Senators in return for votes for the Spanish treaty. Another and even more scandalous case was the desertion of his party to vote for the treaty by a Democratic Senator then under indictment in a Federal court for a criminal offense, and the quashing of the indictment against him by a Republican appointee of the President, within a short time after the ratification of the treaty *by a single vote*.

Still another illustration of this power of the President is found in the action of Mr. McKinley's Philippine Commission. At the head of this body, sent to the islands to inquire into the conditions there prevailing, was Jacob Gould Schurman, President of Cornell University—an institution founded in the true spirit of democracy, and dedicated to the education of young men in the

atmosphere and principles of genuine republicanism. When asked by the *World* on August 31, 1898, for his opinion as to "What shall we do with the Philippines?" President Schurman replied:

*"This Republic, whose soul is self-government, does not want Asiatic dependencies or the military despotism they would entail. The proximity of Cuba made its misgovernment our affair. But we are not called upon to rectify the tyrannies of Africa or Asia. Nor are we under any obligation to Aguinaldo and the insurgents. Let us keep to our own hemisphere, seeking only naval stations in the Old World."*

In the face of these wise and unanswerable truths, so tersely stated, Mr. Schurman, after a brief enjoyment of Executive honor and favor, joins in a report to the President not merely favoring this "Asiatic dependency," with the "military despotism" which it has entailed, but proposing to undertake the impossible, the grotesque task of making their millions of semi-civilized or wholly savage inhabitants "more American than the Americans themselves."

The opportunists in politics are now joining the partisans of the President in saying that the whole question of the disposition and government of the Philippines will be "in the hands of Congress" when resistance to our "sovereignty" shall be suppressed. What a mockery of words! With the islands and their inhabitants purchased from Spain, according to Judge Day, and then subjugated by order of Mr. McKinley, what alternative is left to Congress? Will a Republican Congress nullify the President's war by giving to the Filipinos the freedom for which they have been fighting? Could there be a more ridiculous and stultifying climax to his campaign of "benevolent assimilation," so costly in blood and treasure, than a notification to the surviving natives that Congress had decided not to assimilate them?

No! Congress, it is perfectly well known, will do whatever party policy requires, and the party policy has been irrevocably determined by the President. There may be a few voices raised in protest, the feeble sign of a surviving "remnant of conscience" in the great party whose first platform had for its corner-stone the Declaration of Independence; but the majority are bound hand and foot and committed in advance to the President's European policy. They will take their cue from his message—their lines from the White House. Already, on the eve of the assembling of Congress, it is announced by the leaders of the



majority in both houses that there will be "no legislation for the Philippines or for Cuba." It is more than doubtful if even Hawaii or Porto Rico will be released from the control of the President's "free hand"—which is in the very nature of the case the military hand.

## V.

It may be said that this is simply criticism, and that no remedy is suggested for the evils pointed out. "In a Republic every needed reform is possible," but the first condition of any reform is that the people shall be made aware of its necessity. Two practical remedies, however, almost suggest themselves:

1. *A Constitutional amendment extending the President's term to six years and making him ineligible to re-election.*

If this were done we should no longer see the President beginning on the very first day of his term to plan and work for a second term. We should not see our Presidents indulging in the menace of a foreign war to make capital for re-election, as President Harrison did in the Chili affair and President Cleveland did in the Venezuelan incident, or actually leading the country into a war of conquest and "empire," as Mr. McKinley has done in the Philippines. A single term for the Executive, as was the original intention of the Constitutional Convention, would limit the ambition of the President and remove the temptation, which is now apparently irresistible, to use his power for personal and partisan ends.

2. *The withdrawal from the hands of the President, by a radical and permanent system of civil-service reform, of the enormous patronage involved in the distribution of more than 100,000 offices.*

It is by the use and the temptation of this patronage that the President makes himself the dictator of his party and secures the support not only of Senators and Representatives, but of the bosses who control State organizations and hold Presidential delegations in the hollow of their hands. The power of patronage personally wielded by the President is greater than that exercised by any sovereign of Europe. It is an anachronism in modern government, an absurd anomaly in a Republic. Our entire subordinate and routine civil service should be taken out of partisan politics and established permanently upon a basis of merit and fitness. That this would tend greatly to keep the President within

his constitutional limitations and to restore the independence of Congress no student of history can doubt.

When the people's representatives prefer patronage to power and party servitude to conscience—when they obey their party boss instead of asserting their own authority—Congress has failed as a check upon the Executive and is no longer the guardian of popular liberty. The genius of republican institutions requires that Congress shall direct, guide, control the Executive. But to-day the President directs, guides, controls Congress.

JOSEPH PULITZER.